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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/324,515 06/03/99 SOKOLOV

D 1065/5

EXAMINER

WM01/0530

TRAN, K

ART UNIT

PAPER NUMBER

2631

DATE MAILED:

05/30/01

MARK FRIEDMAN LTD
C/O ANTHONY CASTORINA
2001 JEFFERSON DAVIS HIGHWAY
SUITE 207
ARLINGTON VA 22202

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/324,515

Applicant(s)

SOKOLOV ET AL.

Examiner

KHAI TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-23 is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-3 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

1. The amendment C filed on 3/16/2001 has been entered. Claims 1-23 are pending in this Office action.

Specification

2. The disclosure is objected to because of the following informalities:
Page 10, line 4, the numerical element "30" should be changed to --10--.
Appropriate correction is required.

Drawings

3. The drawings are objected to because some of the connections in the drawings do not show the arrow directions where the signals are flowing such as Fig. 1, specifically, the connection between the index register (22) and the correlator (20).
Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenton et al (U.S. Pat.5,809,064) .

Regarding claims 1, and 4-5, Fenton et al discloses a cellular telephony searcher, comprising: a plurality of correlators (a correlator A and a correlator B as shown in Figure 3, for correlating a received signal with a pseudonoise sequence (a PRN code generator)); an input mechanism for inputting the pseudonoise sequence into the correlators, each of the correlators receiving the pseudonoise sequence with a different delay (a delay line flip-flop 250, 251); a delay management mechanism for initializing the delays and subsequently changing the delays, the changing being contingent, for each the correlator, only an output of the correlator (i.e., the PRN CODE signals is also forward to the delay line flip-flop 250 and 251 which provide the PRN CODE signal, with selected delay, through the XOR gate 255 and switch 256 to the correlators A and B, see col. 6, lines 18-51).

Allowable Subject Matter

6. Claims 6-23 are allowed.

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7. Claim 2-3 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Dixon et al, Nakamura and Fenton fail to disclose the cellular telephony searcher comprising: each of the correlator, the delay management mechanism changes the delay corresponding to the each correlator if an estimated absolute value of the output of the correlator is less than a threshold common to all the correlators, independent of an estimated absolute value of the output of any other the correlator as recited in the claims.

Response to Arguments

9. Applicant's arguments filed 3/16/2001 have been fully considered but they are not persuasive.

Applicant states that the receiver's Fenton et al is different from the present invention such that the change in the delay is applied to the pseudonoise sequence for any specific correlator depends only on the output of that correlator, and is independent of the outputs of any of the other correlators. This is in contract to the receiver of Fenton et al, in which the change in the delay that is applied to the

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pseudonoise sequence for either correlator 240 depends on the outputs of both correlators 240.

Response to Applicant's argument that Fenton discloses the change in the delay is applied to the pseudonoise sequence for any specific correlator depends only on the output of that correlator (i.e., I_A , Q_A output from the correlator A causes the change in the delay being applied to the pseudonoise sequence for any specific correlator (see Figure 3. And the specification does not substantially disclose that the change in the delay is applied to the pseudonoise sequence for any specific correlator depends only on the output of that correlator.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Conclusion

11. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications; please mark
"EXPEDITED PROCEDURE")

or:

(703) 308-6743, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

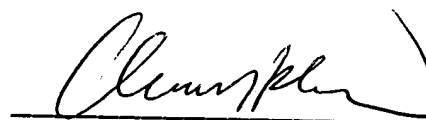
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **Khai Tran** whose telephone number is **(703) 305-1876**.
The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, **Chi Pham**, can be reached on **(703) 305-4378**.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group receptionist whose telephone number is
(703) 305-4900.

UK
KI
May 28, 2001



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

5/29/01